

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1134 be amended to read as follows:

- 1           Page 4, line 3, after "Class A" insert "**or Class B**".
- 2           Page 48, between lines 5 and 6, begin a new paragraph and insert:
- 3           "SECTION 32. IC 35-42-3-4, AS AMENDED BY P.L.164-2007,
- 4           SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5           JULY 1, 2008]: Sec. 4. (a) A person who, with the intent to deprive
- 6           another person of child custody rights, knowingly or intentionally:
- 7                 (1) removes another person who is less than eighteen (18) years
- 8                 of age to a place outside Indiana when the removal violates a
- 9                 child custody order of a court; or
- 10                (2) violates a child custody order of a court by failing to return a
- 11                person who is less than eighteen (18) years of age to Indiana;
- 12           commits interference with custody, a ~~Class D~~ **Class C** felony.
- 13           However, the offense is a ~~Class C~~ **felony** if the other person is less than
- 14           fourteen (14) years of age and is not the person's child; and a Class B
- 15           felony if **the person removes the child to another country or fails to**
- 16           **return the child from another country, or if** the offense is committed
- 17           while armed with a deadly weapon or results in serious bodily injury to
- 18           another person.
- 19           (b) A person who with the intent to deprive another person of
- 20           custody or parenting time rights:
- 21                 (1) knowingly or intentionally takes;
- 22                 (2) knowingly or intentionally detains; or
- 23                 (3) knowingly or intentionally conceals;
- 24           a person who is less than eighteen (18) years of age commits
- 25           interference with custody, a Class C misdemeanor. However, the
- 26           offense is a Class B misdemeanor if the taking, concealment, or
- 27           detention is in violation of a court order.
- 28           (c) With respect to a violation of this section, a court may consider
- 29           as a mitigating circumstance the accused person's return of the other
- 30           person in accordance with the child custody order or parenting time
- 31           order within seven (7) days after the removal.

(d) The offenses described in this section continue as long as the child is concealed or detained or both.

(e) If a person is convicted of an offense under this section, a court may impose against the defendant reasonable costs incurred by a parent or guardian of the child because of the taking, detention, or concealment of the child.

~~(g)~~ (f) It is a defense to a prosecution under this section that the accused person:

(1) was threatened; or

(2) reasonably believed the child was threatened; which resulted in the child not being timely returned to the other parent resulting in a violation of a child custody order."

Page 49, line 26, after "(e)" insert **"As used in this section, "charter school" has the meaning set forth in IC 20-18-2-2.5.**

**(f)".**

Page 49, line 30, after "by" insert **"or affiliated with".**

Page 49, line 31, strike "or".

Page 49, line 32, after "(B)" insert **"charter school; or**

**(C)".**

Page 49, line 34, delete "." and insert **", regardless of how or whether the person is compensated."**

Page 49, between lines 34 and 35, begin a new line blocked left and insert **"The term does not include a student who attends the school."**

Page 49, line 35, delete "(f)" and insert **"(g)".**

Page 49, line 37, delete "(g)" and insert **"(h)".**

Page 49, line 39, delete "(h)" and insert **"(i)".**

Page 49, line 41, delete "(i)" and insert **"(j)".**

Page 50, line 2, delete "(j)" and insert **"(k)".**

Page 50, line 14, delete "(k)" and insert **"(l)".**

Page 54, line 7, after "with" insert **"a child less than fourteen (14) years of age or".**

Page 54, line 9, delete ":".

Page 54, line 10, delete "(1)".

Page 54, line 10, delete ";".

Page 54, run in lines 9 through 10.

Page 54, delete lines 11 through 13.

Page 54, run in lines 10 through 14.

Page 58, line 26, after "and" insert **"IC 35-42-3-4,".**

Page 58, after line 28, begin a new paragraph and insert:

**"SECTION 41 [EFFECTIVE JULY 1, 2008] (a) Notwithstanding IC 11-13-3-4(j), the parole board is not required to require a parolee who is a sexually violent predator under IC 35-38-1-7.5 to wear a monitoring device (as described in IC 35-38-2.5-3) that can transmit information twenty-four (24) hours each day regarding a person's precise location, unless the parolee was released to parole after June 30, 2009.**

1       **(b) The parole board may require a parolee described in**  
2       **subsection (a) to wear a monitoring device (as described in**  
3       **IC 35-38-2.5-3) that can transmit information twenty-four (24)**  
4       **hours each day regarding a person's precise location, even if the**  
5       **parolee was released to parole before July 1, 2009.**

6       **(c) This SECTION expires January 1, 2010."**  
      (Reference is to EHB 1134 as printed February 22, 2008.)

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Senator STEELE